

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHERRY LUCKERT, Personal  
Representative of the Estate of  
Troy Sampson, Deceased,

Plaintiff,

v.

COUNTY OF DODGE, a Nebraska  
Political Subdivision, et al.,

Defendants.

8:07CV5010

ORDER

This matter is before the court on the defendants' Motion to Stay Proceedings (Filing No. 39). The defendants filed a brief (Filing No. 40) in support of the motion. The plaintiff did not oppose the motion.

The defendants seek an order shielding them from discovery pending a ruling on their Motion for Summary Judgment (Filing No. 36). The defendants' motion for summary judgment challenges the plaintiff's complaint on the basis of qualified immunity, for the individual defendants. Generally, "qualified immunity operates to protect governmental officials from both the burdens of trial and discovery." *Lovelace v. Delo*, 47 F.3d 286, 287 (8th Cir. 1995) (citing *Harlow v. Fitzgerald*, 457 U.S. 800, 814, 817-18 (1982)). The court finds the defendants have shown good cause for a stay until the merits of the dispositive motion is resolved. Upon consideration,

**IT IS ORDERED:**

1. The defendants' Motion to Stay Proceedings (Filing No. 39) is granted.
2. The planning conference scheduled for July 18, 2008, is cancelled. The parties shall have **ten (10) business days** from the date an order is filed on the currently pending motion for summary judgment (Filing No. 36), in which to schedule a planning conference with the court. Counsel for the defendants shall contact the court and opposing counsel within such time period to schedule the planning conference.

Dated this 24th day of June, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge